

10-07-04

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
OCT 04 2004 10/698,510	10/31/2003	Patricia Grasso	19705-001CIP

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
 AND POPEO, P.C.
 ONE FINANCIAL CENTER
 BOSTON, MA 02111

CONFIRMATION NO. 9600

FORMALITIES LETTER



CC000000013858775

Date Mailed: 09/22/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 09/07/2004 to the Notice to File Missing Parts (Notice) mailed 02/05/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The signature of the following inventor(s) is missing from the oath or declaration:
Maria Rozhavskaya-Arena

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Meagan W
 Customer Service Center
 Initial Patent Examination Division (703) 308-1202
 PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Grasso *et al.*

APPLICATION NO: 10/698,510

EXAMINER: Not yet assigned

FILING DATE: October 31, 2003

ART UNIT: 1647

FOR: LEPTIN-RELATED PEPTIDES

MAIL STOP MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

The following are enclosed herewith for filing in the above-identified application:

1. Response to Notice of Incomplete Reply (2 pgs.);
2. Copy of Notice of Incomplete Reply, mailed September 22, 2004 (1 pg.);
3. Executed Combined Declaration and Power of Attorney (2 counterparts, 3 pages each, 6 pages total); and
4. Return postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at the number provided below.

The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment, to Deposit Account No. 50-0311, Reference No. 19705-001CIP. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529
Naomi S. Biswas, Reg. No. 38,384
Charles E. Bell, Reg. No. 48,128
Attorneys for Applicants
MINTZ, LEVIN, COHN, FERRIS
GLOVSKY, & POPEO PC
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No. 30623

Dated: October 4, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Grasso *et al.*

APPLICATION NO: 10/698,510

EXAMINER: Not yet assigned

FILING DATE: October 31, 2003

ART UNIT: 1647

FOR: LEPTIN-RELATED PEPTIDES

MAIL STOP MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF INCOMPLETE REPLY

This paper is in response to the Notice of Incomplete Reply ("the Notice") mailed September 22, 2004. Applicants believe the Notice was sent in error and respectfully request that it be withdrawn.

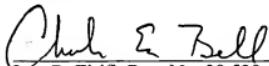
Applicants assert that, on its face, the executed Declaration and Power of Attorney submitted in conjunction with the Response to Missing Parts on September 7, 2004 complies with 37 C.F.R. § 1.63. The person identified on the Notice is not named on the executed Declaration submitted on September 7, 2004. Furthermore, according to 37 C.F.R. § 1.41 the inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration prescribed by § 1.63 that is filed during the pendency of the application.

The Declaration and Power of Attorney filed contemporaneously with the application on October 31, 2003 was unexecuted. Accordingly, the executed Declaration and Power of Attorney submitted in conjunction with the Response to Missing Parts on September 7, 2004 is proper and controls.

Thus, Applicants believe the Notice was sent in error and that it should be withdrawn. In view of this paper, Applicants further request issuance of a corrected filing receipt. Applicants re-submit the Executed Combined Declaration and Power of Attorney (2 counterparts), filed in the above-referenced application September 7, 2004, and a copy of the Notice herewith.

No fees are believed due with this submission. However, the Commissioner is hereby authorized to charge any fees that may be necessary, or credit any overpayment, to Deposit Account No. 50-0311, Reference No. 19705-001CIP.

Respectfully submitted,



Dated: October 4, 2004

Ivor R. Elrifi, Reg. No. 39,529
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Charles E. Bell, Reg. No. 48,128
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